

**Notice of Allowability**

Application No.

09/909,317

Applicant(s)

TSAO ET AL.

Examiner

Art Unit

Diana B. Johannsen

1634

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the after final amendment of 18 August 2005 and the interview of 14 Sept 2005:

2. ☒ The allowed claim(s) is/are 1-9 and 12-19.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some\* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_

4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date part of 0905.

7. ☒ Examiner's Amendment/Comment

8. ☐ Examiner's Statement of Reasons for Allowance

9. ☐ Other \_\_\_\_\_.

### EXAMINER'S AMENDMENT

1. This action is in response to the Amendment and Response to Advisory Action and the Declaration Under 37 CFR 1.132 filed 18 August 2005 and the interview conducted 14 September 2005. **It is noted that both the Amendment of 18 August 2005 and the (previously unentered) Amendment of 17 May 2005 have now been entered.** Claims 1-9 and 12-19 are now allowed.
2. An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment that places this application in condition for allowance. During a telephone conversation conducted on 14 September, 2005, Patrick D. Morris requested an extension of time for 1 additional MONTH(S) (for a total of 3 months) and authorized the Director to charge Deposit Account No. 50-2586 the required fee of \$285 (\$510 minus \$225 previously paid for a 2 month extension of time on 18 August 2005) for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
3. In accordance with 37 C.F.R. 1.126, allowed claims 12-19 will be renumbered as claims 10-17, respectively (see MPEP 608.01(j)). It is noted that original claim numbers are employed in the below examiner's amendment.

Art Unit: 1634

**4. Amend the claims as follows:**

In claim 1, at line 8, after "(SEQ. ID. NO.:6)" insert—located between said microsatellite markers D1S2860 and D1S213--.

In claim 2, at line 3, after "(SEQ. ID. NO.:7)" insert—located between said microsatellite markers D1S2860 and D1S213--.

In claim 2, at line 4, after "is diagnostic of SLE in" insert—a--.

In claim 12, at line 8, after "(SEQ. ID. NO.:7)" insert—located between said microsatellite markers D1S2860 and D1S213--.

**5. Amend the specification as follows:**

At page 1, line 1, after "continuation-in-part of" delete "pending".

At page 1, line 2, after "March 29, 1999" insert--, now U.S. Patent No. 6,280,941-

-.

At page 9, line 21, after "March 29, 1999" insert--, now U.S. Patent No. 6,280,941--.

***Substance of the interview of 14 September 2005.***

6. The examiner contacted applicant's representative to inform him that the Declaration under 37 CFR 1.132 filed 18 August 2005 was sufficient to allow for the entry of applicant's amendments adding generic terminology and descriptive information pertaining to the dyes SYBR GREEN and YO-PRO. The examiner also faxed to applicant's representative a proposed examiner's amendment that would place the application in condition for allowance. The examiner noted that the amendment would further clarify the location of the dinucleotide repeat detected during the practice of applicant's methods, and also correct minor informalities in the claims and specification. Applicant's representative contacted the examiner later on 14 September 2005 and agreed to the proposed amendments. Accordingly, claims 1-9 and 12-19 are allowed subject to an examiner's amendment.

***Declaration under 37 CFR 1.132***

7. The Declaration under 37 CFR 1.132 filed 18 August 2005 is sufficient to establish that the generic terminology and descriptive information added to applicant's claims and specification pertaining to SYBR Green I and YO-PRO-1 corresponded to those trademarks at the time the invention was made (see above and the Advisory Action of 13 June 2005).

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diana B. Johannsen whose telephone number is

Art Unit: 1634

571/272-0744. The examiner can normally be reached on Monday-Friday, 7:30 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, W. Gary Jones can be reached at 571/272-0745. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Diana B. Johannsen  
Primary Examiner  
Art Unit 1634  
September 19, 2005